

## **REMARKS**

This is in response to the non-final Office Action mailed December 27, 2007. Applicants wish to thank the Examiner for the Examiner's careful review and consideration of this application.

In the subject Action, claims 1-8 were rejected and claims 1, 2 and 4 were objected to. Applicants have amended claims 1-5 and 8. Claims 6 and 7 have been cancelled without prejudice or disclaimer. Claims 1-5 and 8 remain pending in the present application. In light of the foregoing amendments and the following remarks, Applicants respectfully request withdrawal of the pending rejections and advancement of this application to allowance.

### **Drawings**

The drawings were objected to for not showing every feature of the invention specified in claims 6 and 7. Applicants respectfully traverse the objection. However, in order to advance prosecution, claims 6 and 7 have now been cancelled (Applicants do not otherwise concede the correctness of the objection). In view of cancellation, the objection is moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection.

### **Specification**

The disclosure was objected to because of various informalities. Particularly, the Office Action suggests that the phrase "the bicycle" in line 2 of the Abstract should be replaced by "a bicycle" and the term "cross" should be inserted between "circular" and "section" in lines 24 and 25 at page 3 of the specification. In addition, the Office Action states that the phrase "through which the support is assembled in the guides 3" appears to be incorrect. Applicants have amended the Abstract and the specification to correct informalities. Accordingly, Applicants assert that the objections have been overcome.

### **Claim Objections**

Claims 1, 2 and 4 were objected to because of various informalities. Specifically, the Office Action states that the phrase "which platform" in claim 1 should be changed to --the platform-- for improved clarity. The language of lines 3-4 in claim 2 is unclear. The phrase

"wherein having" on lines 1-2 of claim 4 is not clear. Applicants thank the Examiner's careful review.

Applicants have changed "which platform" to "the platform" in claim 1. Applicants have also changed "through which said parallel through bores platform is assembled on said transverse bars, with the capability of sliding thereon" to "wherein the transverse bars are slidably received into the bores of the support member to support the support member on the framework" in claim 2. In addition, Applicants have changed "wherein having" to "further comprising" in claim 4. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objections.

In addition, Applicants have made additional editorial changes in claims 1-5.

It is noted that the amendments discussed in this section were not made to overcome art based rejections. Accordingly, such amendments should not be construed in a limiting manner.

### **Rejections Under § 112**

At paragraphs 4 – 5 of the Office Action, the Examiner raised several § 112 issues. First, the Examiner noted that claims 1-8 were rejected under § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse these rejections.

With regard to claim 1, the Office Action states that the specification does not describe how a servomechanism controls or is coupled to the elastically deformable anchoring system. The Office Action further states the disclosure does not describe how such an anchoring system would be controlled by a servomotor.

In order to advance prosecution (Applicants do not otherwise concede the correctness of the rejections), Applicants have amended claim 1 by removing "controllable by means of a servomechanism". Further, the specification has fully described the elastically deformable anchoring system. For example, as noted in the Office Action, the specification discloses possible forms such as silent blocks, shock absorbers and/or springs for the elastically deformable anchoring system with adjustable and programmable deformation capacity to limit the swinging angle. See, e.g., page 3 of the specification. The specification further discloses a cyclist will be able to tilt the bicycle towards either side because of the possibility of elastic compression and deformation of the elastically deformable anchoring system. See, e.g., page 4 of the specification. Therefore, the specification fully describes the invention so that any person skilled in the art is able to make and use the invention. The specification thus complies with the

enablement requirement. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections.

With regard to claim 4, the Office Action states that the specification does not disclose how “any situation of the road” is produced. Applicants have amended claim 4 by changing “any situation of the road” to “specific road traffic conditions.” This amendment is supported at least from line 19 to line 29 on page 1 of the specification. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 4.

Second, the Examiner noted that claims 2, 4, 5 and 8 were rejected under § 112, second paragraph, as being indefinite. Specifically, the Office Action states that there is insufficient antecedent basis for the limitations of “the shaft” in line 2 of claim 2, “the movement” in line 2 of claim 5, and “the pedal set casing” in line 2 of claim 8. In addition, the Office Action states that the phrase “which allows for reproducing any situation of the road” in claim 4 is indefinite since it is not clear what is meant by the phrase “any situation of the road.” Applicants respectfully traverse these rejections.

Applicants have amended claim 2 by changing “the shaft” to “a shaft”. Applicants have amended claim 5 by changing “the movement” to “the movement of the platform”. Applicants have amended claim 8 by changing “the pedal set casing” to “a pedal set casing.” As discussed above, claim 4 has been amended by changing “any situation of the road” to “specific road traffic conditions.” Accordingly, the issues raised by the Examiner have been resolved, and withdrawal of the rejection is respectfully requested.

It is noted that the amendments discussed in this section were not made to overcome an art based rejection. Accordingly, such amendments should not be construed in a limiting manner.

### **Rejections Under § 102**

Next, claims 1, 3 and 8 were rejected under § 102(b) as being anticipated by Defaux (U.S. Patent No. 4,932,651). Applicants respectfully traverse this rejection.

Claim 1 recites, among other things, an *elastically deformable* anchoring system acting as an absorption member to control the movement of the bicycle with regard to the platform and framework.

In contrast, Defaux fails to disclose or suggest such an *elastically deformable* anchoring system. Rather, Defaux discloses a rod 15 that provides two functions: (a) holding bicycle 20, and (b) providing variable adjustment of the relative distance between bicycle 20 and base 30. See Defaux, col. 5, ll. 15-19. Specifically, Defaux discloses a structure of the rod 15 having a metal tube 51 and a thick metal disk 76 inside the tube 51. Disk 76 is soldered around its perimeter against tube 51. A steel solid rod 77 is introduced inside 51. Id. at col. 5, ll. 25-31; FIGs. 1 and 9. The structure of the rod 15 is designed to allow tube 51 to move up or down so that a rider can adjust the distance between bicycle 20 and base 30. Id. at col. 5, ll. 51-55. There is nothing in Defaux to disclose or suggest an *elastically deformable* anchoring system recited in claim 1 of the present invention. In fact, Defaux teaches away such an *elastically deformable* anchoring system because the *steel solid* rod 77 and the *soldered* disk 76 for the rod 15 clearly suggest no *elastically deformable* system in Defaux. It is thus submitted, for at least the reasons noted, that claim 1 is patentable and allowable.

Claims 3 and 8 are dependent claims and so are also believed to be allowable over the art of record. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments as may be necessary.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection.

### **Rejections Under § 103**

The Examiner also made the following §103 obviousness rejections:

- Claim 2 - Defaux ('651) in view of Bryne (U.S. Patent No. D273,882);
- Claim 4 - Defaux ('651) in view of Ewert (U.S. Patent No. 6,004,243);
- Claim 5 - Defaux ('651) in view of Yamasaki et al. (U.S. Patent No. 5,547,382);
- Claim 6 - Defaux ('651) in view of Tabb (U.S. Patent No. 3,905,597); and
- Claim 7 - Defaux ('651) in view of Smith (U.S. Patent No. 4,750,737).

Applicants respectfully traverse these rejections.

As discussed above, independent claim 1 is patentable over Defaux. Bryne, Ewert, Yamasaki et al., Tabb, and/or Smith do not overcome deficiencies of Defaux with respect to claim 1. Dependent claims 2 and 4-5 add additional limitations. Thus, dependent claims 2, 4 and 5 are also believed to be allowable over the art of record. It is noted that claims 6 and 7 have

been cancelled above without prejudice or disclaimer. Applicants do not otherwise concede the correctness of the rejections and reserve the right to make additional arguments as may be necessary. Applicants respectfully request reconsideration and withdrawal of the rejections.

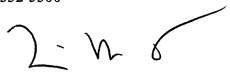
**Conclusion**

This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and allowance of all of the currently pending claims. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned attorney at (612)336.4755 to discuss the same.

Additionally, the Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of these papers or to credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,  
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